

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF NH
2019 APR -4 AM 10:32

United States of America,
Plaintiff,

v.

Lisa Biron,
Defendant.

FILED

Case No. 12-CR-140-PB

Ms. Biron's Objection to Plaintiff's Motion for
Release of Pre-Sentence Investigation Report

Ms. Biron hereby objects to the United States' Motion to release her pre-sentence investigation report ("PSR") to the Office of the United States Attorney for the District of Minnesota.

AUSA Tweeten (D. Minn.) and BOP Supervisory Attorney Anderl claim that the disclosure of Ms. Biron's PSR is necessary because the BOP (their client in Biron v. Hurwitz, et al., case no. 19-CV-57-SRN-LIB) has based its decision to deny Ms. Biron's access to TRULINCS email and video visitation on information contained therein.

Ms. Biron's PSR is confidential and disclosure to a third-party should be "denied in the absence of the most compelling reasons." United States v. Charmer Industries, Inc., 711 F.2d 1164, 1174 (2d Cir. 1983)(internal citation omitted). Third-party disclosure "require[s] a compelling showing that lifting confidentiality is required to meet the ends of justice." Id. (internal citation omitted).

The Government and the defendants cannot overcome this strong presumption of confidentiality because the release of Ms. Biron's PSR is not necessary to meet the ends of justice. In fact, Ms. Biron will agree to stipulate, once the defendants in Hurwitz articulate their

rationale based on specific citations to information contained in the PSR, that the information articulated does indeed appear therein.

Wherefore, there is no reason, and certainly no compelling one, for this Court to release the PSR and the Plaintiff's Motion should be denied.

Respectfully submitted

April 1, 2019
Date

Lisa Biron

Lisa Biron
FCI Waseca
P.O. Box 1731
Waseca, MN 56093

Certification

I hereby certify that a copy of this Objection has been served this day, via U.S. Mail, on AUSA Helen White Fitzgibbon, United States Attorneys Office, 55 Pleasant Street, Concord, NH 03301, and that a courtesy copy was mailed to AUSA Andrew Tweeten, United States Attorney, 600 U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.

April 1, 2019
Date

Lisa Biron

Lisa Biron

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Concord, NH 03301
United States

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